IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 5772 OF 2007

Manohar Raghunath Kulkarni vs. Sagarbai Sitaram Sharma & Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
NOVEMBER 27, 2007.

Heard Shri Dastane, learned counsel for the applicant and Shri Puranik, Advocate holding for Shri Kurekar, learned counsel for the respondents.

First Appeal No.195 of 2002 was admitted for final hearing and came to be dismissed on 1.12.2006 for not filing private paper book.

Shri Dastane, learned counsel states that on account of certain difficulties, the paper book could not be completed. He further states that the original appellant is more than 80 years old and he could not promptly contact the counsel to complete the formalities.

Shri Puranik, Advocate opposes the request contending that the difficulties are not genuine.

However, considering the fact that the appeal was admitted in 2002 itself and has been dismissed only for want of paper book and said paper book is now ready, the order dated 1.12.2006 dismissing the first appeal in default is hereby recalled and first appeal is restored back to file. The delay of 212 days appears to have been caused on account of genuine difficulties and same is hereby condoned.

For the same reasons, Misc. Civil Application No. 12474 of 2007 is also allowed.

Accordingly, the applicant/ appellant is permitted to file private paper book within a period of one week from today with the Registry.

JUDGE

*GS.